

Att'y Ref. No. 003-114

U.S. App. No.: 10/775,139

**REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. No new matter has been entered.

**Allowable Subject Matter**

Applicant gratefully acknowledges the indication, at pages 1 and 3 of the Office Action, that the subject matters of Claims 2, 3, 5, and 6 are free of the prior art, and would be allowable when placed in independent form. By way of the foregoing amendments, Applicant has placed both of Claims 2 and 3 in independent form. Applicant has canceled Claim 1, but does so without prejudice to filing one or more continuation applications to further pursue the subject matter described in this application, and without acquiescing to the rejections in the Office Action.

**Information Disclosure Statement (IDS)**

On 14 September 2004, Applicant filed an IDS making of record certain documents listed on a concurrently-filed form PTO-1449; among those documents, Applicants cited a Search Report issued in a corresponding German patent application. Applicant has reviewed the Image File Wrapper ("IFW") for this application, and has confirmed that a copy of the Search Report is in the IFW, labeled "Foreign Reference", dated 9/14/2004, and includes three (3) pages. Accordingly, the citation of the Search Report complied with 37 C.F.R. §§ 1.97, 1.98. Applicant notes, however, that the 1449 does not indicate, with the patent examiner's initials, that the Search Report has been considered. Applicant therefore respectfully requests that the patent examiner consider the Search Report, indicate this consideration by appropriately initialing the

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1449, and returning to Applicant a copy of the fully-examiner-initialed 1449.

**Rejection under 35 U.S.C. § 112, second paragraph**

In the Office Action, at page 2, Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matter that is allegedly indefinite. Applicant respectfully requests reconsideration.

Claim 5 recites that the blade of Claim 2 comprises a high-pressure compressor blade. The Office Action opined that the term “high-pressure” was indefinite, allegedly because “there is no basis given for what constitutes a high pressure compressor blade”. Applicant respectfully disagrees.

While the claim does not expressly recite a numerical value or range of values, the term ‘high-pressure compressor blade’ is one with which one of ordinary skill in the art is very well acquainted. It is therefore not necessary for Applicant’s application to provide the duplicative details of a ‘high-pressure compressor blade’, when the mere mention of the term carries with it sufficient information to one of ordinary skill in the art what is the scope of the term. Because the application’s subject matter is not read in a vacuum, but rather read with the knowledge of one of ordinary skill in the art, and because one of ordinary skill in the art readily appreciates what is a ‘high-pressure compressor blade’, Applicant respectfully submits that the term is not indefinite.

For at least the foregoing reasons, Applicant respectfully submits that Claim 5 fully complies with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof.

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U.S. App. No.: 10/775,139**Rejection under 35 U.S.C. § 102**

In the Office Action, at page 2, Claims 1 and 4<sup>1</sup> were rejected under 35 U.S.C. § 102(b) as reciting subject matters that allegedly are anticipated by U.S. Patent No. 2,749,029, issued to Goetzel et al. Applicant respectfully requests reconsideration.

While Applicant disagrees with the negative patentability characterizations expressed in the Office Action, in an effort to expedite prosecution toward passage to issue, Applicant has placed allowable Claims 2 and 3 in independent form, and canceled Claim 1. Accordingly, the rejection of Claims 1 and 4 is now moot, withdrawal of which is respectfully requested.

**New Claim**

Claim 7 has been added. Claim 7 is based on original Claim 4, but depends from Claim 3. Accordingly, Claim 7 is allowable for at least the same reasons as Claim 3, an indication of which is respectfully solicited.

**Conclusion**

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

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<sup>1</sup> The statement of rejection at page 2 lists only Claim 1, while the subject matter of Claim 4 is discussed in the context of the rejection at page 3. Furthermore, Claims 1 and 4 are listed as being rejected at page 1 of the Office Action, and Claim 4 is nowhere else mentioned in the Office Action. Applicant therefore presumes that the exclusion of Claim 4 from the statement of rejection at page 2 is merely a typographical error in the Office Action; if, however, Applicants presume incorrectly, clarification of the Office Action is respectfully requested.

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If the patent examiner believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, they are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By: 

Adam J. Cermak  
Registration No. 40,391

**U.S. P.T.O. Customer Number 36844**  
Cermak & Kenealy LLP  
515 E. Braddock Rd., Suite B  
Alexandria, Virginia 22314

703.778.6607 (v)  
703.652.5101 (f)

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